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NOTIFICATION.

No. L.S. 3466—L.W. 172-52-6, Bangalore, dated 22nd September 1952.

Ordered that the award of the Labour Appellate Tribunal of India at Bombay, in Applications (Stay) (Bom.) Nos. 498, 500, 501 and 502 in Appeals (Bom.) Nos. 245 to 248 of 1952, received by the State Government as per Section 9 (9) of the Industrial Disputes (Appellate Tribunal) Act, 1950, be published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

IN THE HONOURABLE LABOUR APPELLATE TRIBUNAL OF INDIA AT BOMBAY.

Application (Stay) (Bom.) No. 498 *of* 1952 *in Appeal (Bom) No.* 245 *of* 1952.

Minerva Mills, Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills on Magadi Road, Bangalore, and its local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore-3 ... ... Applicants.

Versus

(1) The Workers of Minerva Mills, Ltd., represented by the Minerva Mills Labour Association, Honnappa Buildings, Magadi Road, Bangalore. ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

Application (Stay) (Bom.) No. 500 *of* 1952 *in Appeal (Bom.) No.* 246 *of* 1952.

Minerva Mills, Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills on Magadi Road, Bangalore, and its local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore—3. ... ... Applicants.

Versus

(1) The Workers of Minerva Mills, Ltd., represented by the Minerva Mills Labour Association, Honnappa Buildings, Magadi Road, Bangalore. ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

Application (Stay) (Bom.) No. 501 of 1952 in Appeal (Bom.) No. 247 of 1952.

The Mysore Spinning and Manufacturing Co. Ltd., having its Registered Office at 70, Forbes Street, Fort, Bombay, and its Mills and local Registered Office on Venkatarangiengar Road, Malleswaram, Bangalore-3. ... ... Applicants.

Versus

(1) The Workers of the Mysore Spinning and Manufacturing Co. Ltd., represented by the Mysore Mills Labour Association, Sharada Buildings, Sriramapuram, Bangalore-3 ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

Application (Stay) (Bom.) No. 502 of 1952 in Appeal (Bom.) No. 248 of 1952.

The Mysore Spinning and Manufacturing Co. Ltd., having its Registered Office at Bombay, and its Mills and local Registered Office at Malleswaram, Bangalore-3 ... ... Applicants.

Versus

(1) The Workers of the Mysore Spinning and Manufacturing Co. Ltd., represented by the Mysore Mills Labour Association, Bangalore. ...
(2) Workers not represented by Opponent No. 1 ... } Opponents.

In the matter of applications for stay of further proceedings before the Industrial Tribunal (Sri B. R. Ramalingiah, Chairman, Janab Mohammed Sheriff and Sri K. Shamaraja Iyengar, Members) Bangalore, in A.C. Nos. 2, 3, 4, 5 and I.C. Nos. 8, 9, 11, 13, 15, 16, 17 and 18/51-52.

The 26th day of August 1952.

Present

Mr. K. P. Lakshmana Rao, *President*.
Mr. F. Jeejeebhoy, *Member*.

Appearances.—

For the Applicants ... Sri B. Shankar Rau, Advocate.
For the Opponents No. 1 in Applns. Nos. 498 and 500—1952 } Sri V. L. Narasimha Moorthy, Advocate. Also Miss Rathnabai Chittur, Advocate.
For the Opponents No. 1 in Applns. Nos. 501 and 502—1952. } Sri N. S. Giradkar, Advocate.
For the Opponents No. 2 ... No appearance.

State:—Mysore.

Industry:—Textile (Cotton).

ORDER.

These are applications for stay of further proceedings in these References before the Tribunal which is now seised of them. On 15th June 1951 the Government of Mysore constituted a Tribunal consisting of a Chairman and two Members for a period of one year. The year having expired, on 27th June 1952, another Tribunal

consisting of a Chairman and two Members was constituted and this Tribunal was directed to hear and dispose of the References which remained pending before the first Tribunal including the cases before us. When these References came up before the second Tribunal, a preliminary objection was raised by the employers as to the competency of this second Tribunal to hear the References. The Tribunal considered the objection, and has come to the conclusion that it has been validly constituted and is properly seised of the Referenced, and has therefore decided to proceed with the hearings.

2. It has been urged before us that we should stay further proceeding before the Tribunal in exercise of our powers under section 14 of our Act, but in our view section 14 has no application because the subject matter before us does not involve the implementation of an award or decision, and furthermore even if section 14 did apply there could be no serious repercussions on the industry or other industries, or on the workmen employed therein, to justify the stay of the proceedings. It has next been said that we should act under section 151 of the Civil Procedure Code and exercise our inherent powers. Assuming the existence of such inherent powers, we do not think that this is a proper case in which we should exercise it. Nothing more has been done by the first Tribunal than the completion of the pleadings and the framing of certain issues. No prejudice therefore can proceed from the fact that the Tribunal before which the cases are now pending decides to hear the References on the issues which have been framed or on such other issues as it may itself frame. The applications are therefore dismissed.

K. P. LAKSHMANA RAO,
President.

F. JEEJEEBHOY,
Member.